

June 9, 1998
L-98-13

TO: John L. Thoresdale
Director of Policy and Systems

FROM: Steven A. Bartholow
Deputy General Counsel

SUBJECT: Separation Allowance Lump Sum Payment - Administrative Finality

This is in reply to an inquiry made by Mr. Ed Lawrence of your staff dated May 12, 1998, regarding the application of administrative finality to the award of a separation allowance lump sum payment. As a result of a clerical error, a payment of \$2,930.80 was made instead of \$293.08. The error was discovered more than 60 days after the payment, but within 4 years. Apparently, there are cases of a similar nature.

Section 261.2(d) of the Board's regulations provides that:

Revision of the amount or payment of a separation allowance lump sum amount pursuant to section 6(e) of the Railroad Retirement Act is limited to 60 days from the date of notification of the award of the separation lump sum payment.

The language of section 261.2 (d) precludes reopening of the certification in this case. The case could, of course, be referred to the three-member Board under section 261.11 of the regulations which authorizes the Board to direct that a decision which is not otherwise subject to reopening shall be reopened.